

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES ROOM,
VILLAGE HALL, ON WEDNESDAY, FEBRUARY 7, 1996.**

Members

Present: Patrick J. Gilmartin, Chairman
Robert Buford
Peter Lilienfield, Acting Secretary

Members

Absent: William Bush
Joseph Elliot

Also Present: John Kirkpatrick, Special Counsel to
the Planning Board
Ralph Mastromonaco, Consultant to the
Planning Board
Brenda Livingston & William Hoffman, Ad Hoc
Planning
Board Members
Eugene Hughey, Building Inspector
Florence Costello, Planning Board Clerk
Desiree Garvin, Court Reporting Services,
for Mercy College
Joseph Jacoby, J & L Reporting Service, for
Westwood
Development Associates
Walter Schoeph, E.C.B Member
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 93-04 -Vahid & Mashid Noshirvani
Sht. 7B, Bl. 249, Lot 6, 6A
94-03 - Westwood Development Associates,
Inc.
Sht. 10,11, Lot 25,25K,P25J2
95-23 - Mercy College
Sht. 9, P-44,45,46,47,48,49
96-01 - RR Irvington Associates
Lot #42
96-02 - Paul & Liz Giddins
Sht. 5, Bl. 210, Lot 28A,30A,32

The Chairman called the meeting to order at 8:00 PM.

IPB Matter #93-04:
Mashid Noshirvani for

Plan

60, & 60 West

**Application of Vahid &
Amendment to the Site Development
Approval for properties at 58,
Clinton Avenue.**

The Chairman noted that at the September 6, 1995 Planning Board meeting, the applicant submitted a request to amend the Subdivision and Site Development Plan approval in order to relocate the sewer and utility easement. The Board granted approval subject to receipt from the applicant of written proof that he had been given the authority to represent the two other affected property owners, (Jack and Janet O'Hara, and SAB Corp.) and written proof that the easement over the adjoining property (Carl Ramirez) had been vacated. The Chairman indicated that the Board had indeed received the necessary letter regarding the extinguishment of the easement over the Ramirez property, but that letters regarding representation of the O'Hara's and SAB Corp. had still not been received. As such, the conditions have not yet been fully met.

IPB Matter #96-02:
Giddins for Site

property at

**Application of Paul & Liz
Development Plan Approval for
4 Barney Park.**

Christina Griffin, Architect, appeared on behalf of the Application. Applicant paid the required application fee and provided evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of a two-story addition to a single family residence. A family room, study, and bath will be provided on the first floor, and a dressing room and master bath on the second floor. The addition will have a floor area of 822 square feet, which will increase the

existing floor area of the house to a total of 2,402 square feet.

The Chairman, with the Board's concurrence stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that this application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed alteration and addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #94-03:
Development

Site Development
Broadway,

Application of Westwood
Associates, Inc., for Limited
Plan Approval for property at

Riverview Road and Mountain Road.

A complete transcript of the proceedings relating to this matter was prepared and is incorporated by reference. Discussions involved several topics, including the approval and payment of consultant invoices, which has not been fully resolved. The Applicant requested that the Board provide the School Board with additional input regarding its preferred means of access to Section A, to assist the School Board in the formulation of a referendum regarding the subject. The Chairman, with the concurrence of the Board, indicated that the Board was unable to make a specific decision at this time, as it had yet to receive the Draft Environmental Impact Statement, hold public hearings, or receive and review other pertinent documents. The Chairman, on behalf of the Board, will prepare a letter to the School Board indicating that as of this stage in the process, the Board is unaware of anything that would result in a change from the previous Board's stance regarding access.

Discussions also centered on the Conventional subdivision plans previously submitted by the applicant. Comments from Mr. Mastromonaco, the Village Engineering Consultant, have been forwarded to the Applicant's consultants.

IPB Matter #96-01: **Application of R.R.**
Irvington Associates for **Site Development Plan Approval**
for Lot #42, **Irvington Manor Subdivision.**

James Ryan and David S. Steinmetz appeared for the Applicant. Mr. Lilienfield recused himself from all actions regarding this proposal; his place was taken by Ms. Brenda Livingston, Ad Hoc Planning Board Member. Applicant paid an application fee of \$250 and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners.

This application involves a Public Hearing for Final Site Plan Approval on Lot 42. Mr. Ryan described the proposal, and provided the Board with a revised drawing (labeled SDP42, revised 2/7/96) which incorporated

engineering comments from Mr. Mastromonaco. The Chairman indicated that the Board had attempted to inspect the site the previous Saturday (2/3/96), but was canceled due to weather conditions. An inspection of the lot for the coming Saturday (2/10/96) was scheduled, as part of the continuation of the Public Hearing.

The Chairman reviewed a letter from the ECB (2/5/96) regarding trees, layout and grading, storm drainage into the wetlands, the proposed boulder slope to the rear of the property, and the location of the swimming pool.

(Note: These and other issues were discussed when the Board reconvened the Public Hearing on 2/10/96 at the subject. The Board recommended changes to the site plan, specifically dealing with the siting of the house, the driveway near the garage, potential off site drainage issues, trees, etc. Mr. Ryan indicated that he would examine these aspects and discuss them with the potential homeowner. The Board made no decision, with the Public Hearing to be continued.)

Mr. Steinmetz indicated that a modification for Lot 64 (Site Plan, dated 1/3/96) would be presented at the next meeting. This deals with the relocation of the access to this Lot, which would intrude into the watershed. The Board agreed to inspect this at the same time as Lot 42.

Mr. Steinmetz also indicated that he was working with the Village Attorney regarding the title insurance on the swap property.

IPB Matter #95-23:
for Amendment/

Application of Mercy College
Renewal of Special Permits.

A complete transcript of the proceedings relating to this matter was prepared and is incorporated by reference. The Village Counsel, Kevin Plunkett, recused himself from all matters relating to this application due to a conflict. Mr. John Kirkpatrick attended as Special Counsel.

The Chairman and members of the Board expressed surprise that the Applicant had sent out notices of a public hearing for this meeting. Gerald Reilly, Esq.,

for the Applicant, said that he understood he had been requested to do so. The Chairman, with the concurrence of the Board, said that even though they did not believe the Board had scheduled a public hearing for tonight, since the notices had been sent the Board would treat this meeting as a public hearing. The Chairman read several letters, and responses, into the record (see transcript). Dr. Sexter, President of Mercy College, indicated that the application previously submitted was being amended, basically keeping the Special Permit as previously written with the exception of the amendment to Item 17 dealing with the entrance to Mercy College from Dobbs Ferry. Other items were relegated to a "house cleaning" function, such as the deletion of the requirement that a traffic signal be installed (since it is now in place). The Board also reviewed several maps showing the location of the various Mercy College facilities, the location of Our Lady of Victory property and easements, and other adjoining properties.

The Chairman reminded the Applicant that the Board had requested statistics concerning traffic accidents at both the Langdon Avenue and the Our Lady of Victory entrances to Mercy College, which data was not forthcoming. He again repeated the request. It was decided to continue the public hearing to the Board's next meeting.

The Board then considered the following administrative matters:

Minutes of the Planning Board held on November 1, 1995, (as amended), and January 7, 1996, previously distributed, were, on motion duly made and seconded, approved.

The next regular meeting of the Planning Board was scheduled for Wednesday, March 13, 1996.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Acting Secretary

Peter Lilienfield,